

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Jose Lopez Orellana,

Court File No. 15-cv-03852- ADM/SER

Plaintiff,

vs.

Nobles County; Nobles County Sheriff Kent  
Wilkening; unknown/unnamed defendants  
John Doe & Richard Roe; All individuals  
being sued in their individual and official  
capacity,

Defendants.

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Exhibit 1 is a true and correct copy of Plaintiff's November 9, 2014 Immigration  
Detainer.

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DEPARTMENT OF HOMELAND SECURITY  
IMMIGRATION DETAINER - NOTICE OF ACTIONSubject ID:  
Event #: 00189346File No:  
Date: 11/09/2014TO: (Name and Title of Institution - OR Any Subsequent Law  
Enforcement Agency)  
Nobles County Jail  
1530 Airport Road  
Worthington, MN 56187FROM: (Department of Homeland Security Office Address)  
Immigration & Customs Enforcement  
1 Federal Drive Suite 1640  
Ft. Snelling, MN 55111-4080  
6128438700MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS  
LOPEZ-ORELLANA, JOSE

Name of Alien: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Nationality: EL SALVADOR

Sex: M

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO  
THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

- ☒ Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (*check all that apply*):
- ☐ has a prior a felony conviction or has been charged with a felony offense;
  - ☐ has three or more prior misdemeanor convictions;
  - ☐ has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;
  - ☐ has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
  - ☐ has illegally re-entered the country after a previous removal or return;
  - ☐ has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
  - ☐ otherwise poses a significant risk to national security, border security, or public safety; and/or
  - ☐ other (specify): Field request - LSC1511000206
- ☐ Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on \_\_\_\_\_ (date).
- ☐ Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on \_\_\_\_\_ (date).
- ☐ Obtained an order of deportation or removal from the United States for this person.

*This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.*

## IT IS REQUESTED THAT YOU:

- ☒ Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request derives from federal regulation 8 C.F.R. § 287.7. For purposes of this immigration detainer, **you are not authorized to hold the subject beyond these 48 hours**. As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling 6128438700 during business hours or 8009732867 after hours or in an emergency. If you cannot reach a DHS Official at these numbers, please contact the ICE Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- ☒ Provide a copy to the subject of this detainer.
- ☐ Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- ☒ Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- ☐ Consider this request for a detainer operative only upon the subject's conviction.
- ☐ Cancel the detainer previously placed by this Office on \_\_\_\_\_ (date).

K 7430 FLECK - IEA

(Date)

K 7430 FLECK - IEA

(Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS using the envelope enclosed for your convenience or by faxing a copy to 6128438775. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking/Inmate #: \_\_\_\_\_ Latest criminal charge/conviction: \_\_\_\_\_ (date) Estimated release: \_\_\_\_\_ (date)

Last criminal charge/conviction: \_\_\_\_\_

**Notice:** Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

\_\_\_\_\_  
(Name and title of Officer)

\_\_\_\_\_  
(Signature of Officer)